

PHARMACY EXAMINING BOARD
REGULAR MEETING
APRIL 11, 2000

MEMBERS PRESENT: John Bohlman, R.Ph., Sue Sutter, R.Ph., Michael Bettiga, R.Ph.,
Dan Luce, R.Ph., Cynthia Benning, R.Ph., Georgina Forbes

MEMBER EXCUSED: Charlotte Rasmussen

LEGAL COUNSEL: William Black

STAFF PRESENT: Patrick D. Braatz, Karen Rude-Evans

GUESTS PRESENT: Mike Haas of Knoll Pharmaceutical Company; Matt Sheffield of
NACDS; David Kreling of UW School of Pharmacy and Paul
Rosowski of the Pharmacy Internship Board

CALL TO ORDER

Chair John Bohlman called the meeting to order at 9:10 a.m.

APPROVAL OF AGENDA

Amendments: -Correspondence from Joann Pritchett, John Hofmann and Kate Hillyer regarding
the Consultation Exam
-MPJE Report from Cynthia Benning

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to approve the agenda as
amended. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments: -Page 3, first paragraph, first sentence, delete “up” and substitute “to the
Clearinghouse”.
-Page 4, first paragraph, after last sentence, add “John Bohlman left the room
during this discussion and Sue Sutter assumed the duties of Chair in his absence.”

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the minutes of
March 15, 2000 as amended. Motion carried unanimously.

SECRETARY CUMMINGS

Secretary Cummings reported the Board Member Workshop will be held on July 13th and 14th.
All board members are encouraged to attend. Secretary Cummings asked if there were any
special topics that board members may wish to discuss at the workshop. Topic suggestions
should be given to the Secretary as soon as possible to finalize the agenda.

PUBLIC HEARING ON PROPOSED RULE CHANGES RELATING TO TRANSFER OF
PRESCRIPTION ORDERS UNDER PHAR 7.05(3)

John Bohlman asked if there were any individuals who wished to testify. There were no testimonies, but there was one registration slip in favor of the proposed rule changes. The public hearing was then closed.

PRESENTATION OF PROPOSED STIPULATIONS

ROBERT A STEIB, RPH

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Robert A. Steib, R.Ph. This matter will be deliberated on in closed session.

ST JOSEPH HOSPITAL PHARMACY

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning St. Joseph Hospital Pharmacy. This matter will be deliberated on in closed session.

STEPHEN E PAQUIN, RPH

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Stephen E. Paquin, R.Ph. This matter will be deliberated on in closed session.

COPPS PHARMACY #119

Attorney Arthur Thexton presented a proposed stipulation in the matter concerning Copps Pharmacy #119. This matter will be deliberated on in closed session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND
ADMINISTRATIVE RULES

These reports were informational.

ADMINISTRATIVE WARNING PROCEDURES

This memo was presented for informational purposes.

SCOPE STATEMENT RELATING TO PHAR 8.05 FOR THE DISPENSING OF
PRESCRIPTION ORDERS FOR CONTROLLED SUBSTANCES

The scope statement was presented to the Board for their information.

REQUEST FOR BOARD MEMBER TO SERVE ON THE PHARMACY TECHNICIAN
ADVISORY COMMITTEE AT LAKESHORE TECHNICAL COLLEGE

John Bohlman appointed Michael Bettiga to serve as a representative for the Board.

PRACTICE QUESTIONS

William Black will formulate response letters from the Board for those credential holders who requested clarification of Wisconsin Pharmacy Law or Administrative Rules.

REQUEST FROM WALGREEN'S TO TEMPORARILY MOVE PHARMACY

The Board approved the request from Walgreen's, 6000 Oklahoma Ave., Milwaukee, to temporarily move the pharmacy to a trailer during remodeling.

DISTRIBUTOR REQUESTS

MOTION: Dan Luce moved, Seconded by Michael Bettiga, to approve the distributor requests for Community Home Medical Equipment, Baraboo, WI; Apria Healthcare, Inc., Minocqua, WI; Oncology Supply, AL and Bausch & Lomb, SC. Motion carried unanimously.

NACDS CORRESPONDENCE RELATING TO STANDARDIZED PRESCRIPTION BENEFIT CARD

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to submit a request to the Secretary's Office to have legislation drafted relating to a standardized prescription benefit card for Wisconsin. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Sue Sutter, to work with the Pharmacy Society of Wisconsin to work on model legislation developed by NACDS, NCPA and AphA regarding a standardized prescription benefit card in the next session of the Legislature. Motion carried unanimously.

DISCUSSION, CORRESPONDENCE AND POSSIBLE VOTING ON MATTERS RELATING TO PATIENT CONSULTATION EXAMINATION

MOTION: Dan Luce moved, seconded by Sue Sutter, to eliminate the patient consultation examination as Wisconsin is a national leader in providing consultations to the consumers of the State of Wisconsin. Utilizing a consultation examination no longer serves to promote consultation. The NABPLEX examination and the MPJE sufficiently test for minimum competence. The focus of this Board should be to further educate the profession on the value of consultation and enforce the consultation standards currently in place. Roll call vote: John Bohlman – yes, Sue Sutter – yes, Michael Bettiga – yes, Dan Luce – yes, Cynthia Benning – no, Georgina Forbes – yes. Motion carried 5 to 1.

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to table the motion until all members of the Board could be present. Roll call vote: John Bohlman – no, Sue Sutter – no, Michael Bettiga – no, Dan Luce – no, Cynthia Benning – yes, Georgina Forbes – yes. Motion failed.

MOTION: Dan Luce moved, seconded by Georgina Forbes, that the May and June consultation examination remain the same, but in August a mailed-out examination will be given until the rules can be changed to reflect the elimination of the examination. Roll call vote: John Bohlman – yes, Sue Sutter – yes, Michael Bettiga – yes, Dan Luce – yes, Cynthia Benning – no, Georgina Forbes – yes. Motion carried 5 to 1.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to direct staff to develop a scope statement to develop rules regarding the elimination of the consultation examination. Roll call vote: John Bohlman – yes, Sue Sutter – yes, Michael Bettiga – yes, Dan Luce – yes, Cynthia Benning – no, Georgina Forbes – yes. Motion carried 5 to 1.

NABP RESOLUTION RELATING TO PARTIAL FILLING OF METHYLPHENIDATE

The Board reviewed this for informational purposes.

REVIEW OF NAPB RESOLUTIONS FOR THE ANNUAL MEETING

Board members were asked to give John Bohlman, who is the Board delegate, their opinions on these resolutions.

ARTICLE RELATING TO TECHNICIAN RATIO

The Board reviewed this for informational purposes.

ARTICLES RELATING TO ERROR REPORTING

The Board reviewed this for informational purposes.

PRESCRIPTION ORDER DELEGATION/PROTOCOLS

The Board felt this issue is related to the Collaborative Practice issue and it will be discussed when the board discusses this item at next month's meeting.

DISCUSSION REGARDING PHAR 10.03(15)

The Board discussed possible changes to Phar 10.03(15) to allow prescription pads used for prescription orders for devices to be pre-printed with the name of a pharmacy.

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to have legal counsel develop a scope statement regarding the proposed changes to Phar 10.03(15) and have the scope statement available for the Board's review at the May meeting. Motion carried unanimously.

COLLABORATIVE PRACTICE

The Board decided that due to the lateness in the day and since additional items related to this topic were handed out at the beginning of the meeting, this item should be taken up at the next Board meeting. This item should be placed at the beginning of the next agenda.

ADS RULE REWRITES

William Black presented a paper that he prepared for the Board regarding the rewrite of the ADS rules. The Board discussed and suggested changes to the draft. Mr. Black will bring the draft of the rule back for the Board to review one more time.

REPORT OF PHARMACY INTERNSHIP BOARD

Sue Sutter reported on the previous meeting of the Pharmacy Internship Board. The PIB was going to send a letter to the PEB regarding non-credit internships.

REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported on the previous meeting of the Controlled Substances Board and that the scheduling rule had to be delayed regarding a minor change to the rule. It is hoped that the Board will be able to consider the rule at their next meeting.

REPORT OF MPJE MEETING

Cynthia Benning reported on her attendance at the NABP MPJE Rules Development Committee that she attended on behalf of the Board. She reported on the updating of the item bank. Ms. Benning asked if other board members would like to review questions that she is asked to review.

RECESS TO CLOSED SESSION

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of proposed stipulations, considering requests for three month stays of suspensions, considering requests for changes in board orders, reviewing case status reports, discussion of exam issues and consulting with legal counsel. Roll call vote: John Bohlman – yes, Sue Sutter – yes, Michael Bettiga – yes, Dan Luce – yes, Cynthia Benning – yes, Georgina Forbes - yes. Motion carried unanimously.

Open session recessed at 2:15 p.m.

RECONVENE IN OPEN SESSION

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 3:42 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PROPOSED STIPULATIONS

ROBERT A STEIB, RPH

MOTION: Cynthia Benning, moved, seconded by Sue Sutter, to approve the stipulation regarding Robert A. Steib, R.Ph. Motion carried unanimously.

STEPHEN E PAQUIN, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to approve the stipulation regarding Stephen E Paquin, R.Ph. Dan Luce abstained. Motion carried.

COPPS PHARMACY #119

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to approve the stipulation regarding Copps Pharmacy #119. Motion carried unanimously.

REQUESTS FOR STAYS OF SUSPENSIONS AND CHANGES IN BOARD ORDERS

COREY FORD, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to allow Cory Ford, R.Ph., to work “on call” no more than every 4th weekend with the provision that an “on call” pharmacist must be available as back-up for all schedule II prescriptions. The pharmacy must increase the frequency of the controlled substances audit to every quarter and must include all controlled substances on the report. The pharmacy must use its security system to monitor entry and exit at all times. Motion carried unanimously.

JOHN LITZENBERG, RPH

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to grant a three month stay of suspension to John Litzenberg, R.Ph., but deny the request for additional hours as the pharmacist in charge. Dan Luce abstained. Motion carried.

CRAIG MOON, RPH

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to grant a three month stay of suspension for Craig Moon, R.Ph., but deny his request for a modification in his board order. Dan Luce abstained. Motion carried.

GREGORY KUJAWA, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to grant a three month stay of suspension and approved the request to increase the hours as pharmacist

in charge from 16 hours to 24 hours per week for Gregory Kujawa, R.Ph.
Motion carried unanimously.

CASE STATUS REPORTS

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to close complaint 99 PHM 79 with an administrative warning against the managing pharmacist and the pharmacy. Dan Luce abstained. Motion carried

INFORMATIONAL ITEMS

The Board reviewed these items.

OTHER BOARD BUSINESS

William Black updated the board on ethical issues relating to board members.

ADJOURNMENT

The meeting adjourned by consensus at 4:30 p.m.

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